

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88235

Kazufumi YAZAKI, et al.

Appln. No.: 10/538,291

Group Art Unit: 1652

Confirmation No.: 9414

Examiner: Mohammad Y. MEAH

Filed: June 10, 2005

For: METHOD FOR SELECTING ESCHERICHIA COLI STRAIN WHICH HIGHLY EXPRESSES EXOGENOUS GENES, ESCHERICHIA COLI MUTANT STRAINS SELECTED BY THIS METHOD AND PROCESS FOR PRODUCING ENZYMES AND COMPOUNDS USING THE SAME

STATEMENT OF AVAILABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, SHOWA DENKO, K.K., of 13-9, Shiba Daimon 1-Chome, Minato-ku, Tokyo 105-8518, Japan, declare and state that:

We are the Assignees of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on June 10, 2005 at REEL 017618, FRAME 0946.

We agree that upon allowance and issuance of the above identified application into a United States Patent, restriction on availability of the following deposit will be irrevocably removed:

FERM BP-08546

Escherichia coli SD840

which is designated in the specification of the above-identified application and was deposited under the terms of the Budapest Treaty on September 27, 2002 as FERM P-19047 and transferred to the International Patent Organism Depositary on November 10, 2003 (International

Deposit No. FERM BP-08546), National Institute of Advanced Industrial Science and Technology (postal code 305-8566; Central 6, 1-1-1 Higashi, Tsukuba, Ibaraki, Japan).

We agree that the above-identified strains designated in the above identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit, or for the effective life of any patent which issues on the above identified application, whichever is longer;

We agree that if the deposits become non-viable, they will be replaced; and

We also assure access to the deposits to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

On behalf of:
SHOWA DENKO K.K.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 22, 2008